

CHAPTER 3  
PERSONNEL ADMINISTRATION  
[Prior to 4/20/88, Regents, Board of[720]]

ORGANIZATION AND ADMINISTRATION

**681—3.1(8A) Creation and purpose.** The purpose of these rules is to give effect to the provisions of Iowa Code Supplement chapter 8A to establish an efficient, effective and uniform system of personnel administration for board of regents institutions and staff, to provide equal employment opportunity for all and career opportunities comparable to those in business and industry.

**681—3.2(8A) Covered employees.** All employees of the board of regents, except those exempted by Iowa Code section 8A.412(5), will be covered under the rules of this system.  
[ARC 9812B, IAB 10/19/11, effective 11/23/11]

**681—3.3(8A) Administration.** Under authority of the board of regents and the supervision of its executive director, a merit system director will be appointed who will be responsible for the development, operation and evaluation of the system in compliance with the objectives and intent of Iowa Code Supplement chapter 8A and regent merit rules. At each board of regents institution the head thereof will designate an administrator to serve as resident director of the system. The resident director will be responsible through the chief executive at the institution for conducting a program of personnel administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions and will be responsible for the direction of the merit system and have the authority to ensure the uniform administration of the merit system under provision of these rules.

**3.3(1) Records and reports.** The resident directors will maintain an individual file on each employee that will include a record of all personnel transactions affecting that individual. The resident directors will also maintain records on operations conducted under these rules and will periodically as requested, and at least annually, report a summary of such operations to the merit system director, and in addition will prepare other reports as may be required by the merit system director to indicate compliance with applicable regents and state requirements and federal standards. The resident director will establish, in cooperation with employing departments, a program that will provide for the regular evaluation, at least annually, of the qualifications and performance of all employees.

**3.3(2) Nondiscrimination.** All programs and transactions administered under these rules will be conducted on the basis of merit and fitness without discrimination or favor because of political or religious opinions or affiliations or national origin, race, sex, creed, color, disability or age except as prescribed or permitted under state and federal law.

**3.3(3) Political activity.** No employees covered under this system will engage in any partisan political activity that is prohibited by law; employees will have the right to freely express their views as citizens and to cast their vote; coercion of employees for political purposes and the use of employees' positions for political purposes will be prohibited.

Those employees who are by law subject to the provisions of the federal Hatch Act will be informed of such provisions by the resident director at their institution and will be required to adhere thereto.

**3.3(4) Revisions and additions.** In accordance with the provisions of Iowa Code Supplement chapter 8A, these rules may be revised at any time. In addition, supplementary rules subject to Iowa Code chapter 17A, not inconsistent with these rules may be made applicable to any department, program or service, whenever such additional merit system provisions are required as a condition of eligibility for federal funds.

**3.3(5) Suspension of merit increases.** During any period of time when merit increases provided under these rules are temporarily suspended by legislative action, the rules providing for such increases shall be suspended for the duration of that legislative mandate. The merit system director shall provide for the administration of such suspension and shall ensure the maintenance of necessary information at each board of regents institution as would be necessary for reinstatement of such increases following

the temporary suspension. Reinstatement of such increases shall be authorized by the board upon the recommendation of the merit system director and may include a delay in increases to promote equity among employees. Any such delay, however, cannot exceed one year and must be applied uniformly throughout the system to all employees with like seniority in the system, or in classification of position, or other specified categorization.

This rule is intended to implement Iowa Code section 262.9.

[Filed 7/12/71; amended 7/17/72, 8/17/73]

[Filed 11/19/75, Notice 10/6/75—published 12/15/75, effective 1/19/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]

[Filed emergency 6/29/81—published 7/22/81, effective 7/1/81]

[Filed emergency 6/15/84—published 7/4/84, effective 7/1/84]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 5/19/95, Notice 4/12/95—published 6/7/95, effective 7/12/95]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

[Filed ARC 9812B (Notice ARC 9597B, IAB 7/13/11), IAB 10/19/11, effective 11/23/11]

**681—3.4 to 3.13** Reserved.

#### DEFINITIONS

##### **681—3.14(8A) Definitions.**

“*Active service*” is a period of paid employment performing the duties of the position.

“*Advanced starting rate*” is a rate on the pay grade which is greater than the minimum rate of the pay grade for a specific class as provided for in the approved pay plan.

“*Base pay*” means the employee’s rate of pay exclusive of extra pay such as lead worker pay, pay for shift differential, pay for special assignment, on-call pay, call back pay, or any other incentive premium pay.

“*Certification*” means the referral of qualified applicants from an eligibility register to a department for the purpose of making a selection in accordance with these rules.

“*Class*” means one or more positions, which are sufficiently similar in duties and responsibilities, that each position in the group can be given the same job title and require the same minimum qualifications as to education and experience, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

“*Classification appeal*” is the act of contesting the classification or reclassification of a position as determined by the merit system director after a review of the duties and responsibilities of the position.

“*Classification review*” is the process initiated by a permanent employee or department head requesting review of the classification of the employee’s position.

“*Classify*” means to make the original assignment of a position to an appropriate class on the basis of the duties and responsibilities assigned and to be performed.

“*Days*” means working days unless designated otherwise.

“*Demotion*” means a change of an employee from a position in a given classification to a position in a classification having a lower pay grade. Demotion may be voluntary, involuntary, or result from a reclassification of a position.

“*Eligibility lists*” are lists of the names of qualified applicants for a particular class.

“*Eligibility register*” consists of the names of the applicants from the appropriate eligibility list who are certified for a specific vacancy.

“*Examination*” is the screening of applicants.

“*Grievance*” is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.

“*Lateral transfer*” means a change from a position in one class to a different position in the same class or another class in the same pay grade.

“*Maximum rate*” is the final value of the pay grade to which a classification is assigned. A “red-circled” rate is above the maximum.

“*Minimum rate*” is the minimum value of the pay grade to which a classification is assigned. It is less than an “advanced starting rate.”

“*Pay grade*” or “*grade*” is the numerical designation on the pay schedule to which individual classes are assigned.

“*Permanent employee*” is an employee who has completed the initial probationary period and thereby acquired permanent status in accordance with the rules of the system.

“*Position*” means a group of specific duties, tasks and responsibilities assigned to be performed by one employee. A position may be 12-month or less, full-time or part-time, temporary or permanent, occupied or vacant.

“*Probationary period*” is a six-month period to determine an employee’s fitness for the position. A probationary period is required for an original appointment, reinstatement, reemployment to a class not previously held, promotion, voluntary demotion out of series or lateral transfer out of class.

“*Promotion*” means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.

“*Reclassify*” means to make a change in the classification of a position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or difficulty of the tasks, duties, and responsibilities in such position, or because of an amendment to the classification plan, and officially assigning to that position the class title for such appropriate class.

“*Reduction in force*” is a layoff resulting from a shortage of funds or work, a material change in duties or organization or abolishment of one or more positions.

“*Reemployment*” is the reappointment of an employee from a reemployment register. An employee may be placed on a reemployment register as a result of (1) layoff or voluntary demotion in lieu of layoff, or (2) medically related disability leave and exhaustion of vacation and medically related disability leave credits, or (3) failure to pass a subsequent probationary period on a promotion, lateral transfer out of class, or demotion out of series.

“*Reinstatement*” is the reappointment of a permanent employee who has resigned in good standing.

“*Resident director*” is the person appointed by the head of each regents institution to administer the merit system rules at that institution.

“*Step*” is the value established through the collective bargaining process or by the merit system director for the purposes of applying the rules on compensation and the setting of advanced starting rates.

“*Suspension*” is an enforced leave of absence with or without pay for purposes of conducting an investigation or as a disciplinary measure.

[Filed 6/14/72; amended 8/15/74]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]

[Filed emergency 12/29/80—published 1/21/81, effective 1/2/81]

[Filed emergency 6/29/81—published 7/22/81, effective 7/1/81]

[Filed emergency 6/3/82—published 6/23/82, effective 7/1/82]

[Filed 8/20/82, Notice 6/23/82—published 9/15/82, effective 10/20/82]

[Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 9/29/89, Notice 7/26/89—published 10/18/89, effective 11/22/89]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95\*]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

\*Effective date of 9/20/95 for definition of “Probationary period” delayed 70 days by the Administrative Rules Review Committee at its meeting held September 13, 1995. Delay lifted by this Committee November 13, 1995, effective November 14, 1995.

**681—3.15 to 3.24** Reserved.

#### CLASSIFICATION

**681—3.25(8A) Preparation and maintenance of the classification plan.** The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, shall develop and maintain a classification plan so that all positions that are substantially similar and comparable in regard to the kind and difficulty of work and the level of responsibility are included in the same class, so that the same minimum qualifications are required for all positions in the same class (except as provided in 3.69(2)), so that the same pay schedule may be equitably applied (except for geographical differences) to all positions in the class. For each class the plan will include a class title, a definition of the job, examples of the kind of work performed, statements of knowledges, skills and abilities, and the minimum qualifications for the class.

**681—3.26(8A) Administration of the classification plan.** The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend classifications and reclassifications. Employing departments and employees may appeal classification and reclassification in accordance with 681—3.127(8A) of these rules.

The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, may establish new classes and change or abolish existing classes which affect the merit system pay plan in order to meet the needs of the institutions and to properly reflect changes in work and the organization thereof. When the changes do not affect the pay plan of the merit system, the merit system director may, in consultation with the resident directors, change existing classes and report such changes annually to the board of regents. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided the incumbent meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, the incumbent may be transferred, promoted, demoted or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions and dismissal.

A review of individual classifications, class series, or group of classes may be initiated by the merit system director on a systemwide basis. The administrative review shall preempt the classification appeal procedure provided in 681—3.127(8A) of these rules. Changes in the classification of positions resulting from a systemwide review shall be effective at the beginning of the next fiscal year unless the merit system director establishes an earlier date for implementation.

This rule is intended to implement Iowa Code Supplement sections 8A.412(5) and 8A.413.

[Filed 6/14/72]

[Filed 11/19/75, Notice 10/6/75—published 12/15/75, effective 1/19/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed 10/26/87, Notice 8/26/87—published 11/18/87, effective 12/23/87]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 1/19/90, Notice 11/15/89—published 2/7/90, effective 3/14/90]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

**681—3.27 to 3.36** Reserved.

## COMPENSATION PLAN

**681—3.37(8A) Preparation, content and adoption of the pay plan.** The board of regents will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of a schedule or schedules of numbered grades with minimums and maximums for each grade. Each class will be assigned to a pay grade. The plan will be developed to reflect the relative difficulty and responsibility of the work involved in the various classes, what is paid for similar work by other employers in the pertinent labor market, and the availability of funds with due regard to the results of a collective bargaining agreement negotiated under the provisions of Iowa Code chapter 20. The plan will be uniformly applicable to all regents institutions except for variances approved on the basis of geographical differences.

**681—3.38(8A) Review and revision of the pay plan.** At least once each year, the complete pay plan will be reviewed for revision by the board of regents in the same manner and following the same procedure stated in 681—3.37(8A). At any time, new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the board of regents and other authority as required by law.

**681—3.39(8A) Administration of the pay plan.** Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classes in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid between the minimum and maximum of the pay grade to which the employee's class is assigned and such pay will constitute the total cash remuneration the employee receives for the employee's work in that position. Perquisites such as subsistence and maintenance allowances will be considered a part of pay and the value of such will be deducted from an employee's rate of pay. Any employee who is approved for participation in a phased retirement program as provided for by state law and regent policy shall have the salary provided under these rules adjusted as specified by such law and regent policy.

**3.39(1) Entrance salaries.** The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that class is assigned or in accordance with the approved pay plan, except as provided for the following:

*a. Appointment based on a scarcity of qualified applicants.* At the request of an institution and on the basis of economic or employment conditions which make it difficult or impossible to recruit at the minimum rate of the pay grade to which a class of position is assigned, a resident director, subject to approval by the merit system director, may authorize for a designated period of time recruitment for that class at a rate higher than the minimum. Where such a higher entrance rate is authorized all employees in the same class and in the same geographical area, who are earning less than the higher entrance rate, will be increased to that higher rate.

*b. Appointment based on exceptional qualifications.* Employees whose qualifications substantially exceed the minimum required for the class or who possess outstanding experience relative to the demands of the position may, at the request of an employing department, be appointed at a rate higher than the minimum, provided that the pay of all other employees with similar qualifications working under the same conditions at the same institution are raised to that higher rate. Such appointments must be approved by the resident director and reported to the merit system director. Such appointments which necessitate the adjustment of the salaries of employees other than the appointee will, in addition, be reported to the merit system director.

Increases authorized and granted to other employees as the result of appointments based on the scarcity of qualified applicants, 3.39(1) "a," or appointments based on exceptional qualifications, 3.39(1) "b," will establish new merit review dates for affected employees.

*c. Appointments based on prior service at the institution.* Employees who were employed by an appointing institution in a nonmerit system position and who performed duties of the same character and responsibility as the merit class to which they are being appointed may be paid at a rate higher than the minimum reflecting prior service in a comparable position. Such appointments must be approved by the resident director and reported to the merit system director.

**3.39(2) Merit increases.** Permanent and probationary employees will be eligible for a merit increase following one year of satisfactory performance in their assigned classification with the exception that permanent and probationary employees paid at the minimum of a pay grade will be eligible for a merit increase upon completion of 6 months of satisfactory service in their assigned classifications and every 12 months thereafter. No merit increase will be granted above the maximum of the pay grade. The period of satisfactory performance will be measured from the last merit review date if such a date has been established. Merit increases in pay will not be made retroactively, but may be denied or deferred by the employing department on the basis of work performance. Employees whose merit increases are denied or deferred will, prior to the scheduled effective date of increase, be informed of such action by a written statement from their employing department which specifies the reason for the denial or deferral. Denials or deferrals of a merit increase for six months or less for reason of unsatisfactory work performance will not result in the establishment of a revised merit review date.

Deferrals resulting from leaves of absence without pay or layoff exceeding 30 calendar days will cause a change of the merit review date equal to the time away from work.

**3.39(3) Pay on promotion.** An employee who is promoted will be moved to the minimum rate of the new grade, or to a higher rate on the new grade which provides an adjustment that is the salary equivalent of one step higher than the employee's present base pay. In no event will the adjustment result in pay above the maximum of the new grade.

If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing department, an increase that is equivalent to the value of two steps higher than the employee's present base pay.

For the purpose of calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, on-call pay, pay for overtime, or pay for call back shall be excluded as part of the employee's present base pay. The merit review date will be computed from the effective date of promotion and in accordance with 3.39(2). Pay on promotion in accordance with the provisions of subrule 3.39(1), paragraph "b," may be authorized by a resident director and will be reported to the merit system director.

**3.39(4) Pay on demotion.** Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any rate within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted. Merit review date will not change.

If the salary of an employee who is demoted as the result of the reclassification of the employee's position exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. An extension not to exceed one additional year may be approved by the merit system director.

If an employee accepts voluntary demotion in lieu of layoff, the salary shall be retained providing funding is available. In no event will the salary exceed the maximum of the new pay grade.

**3.39(5) Pay on reinstatement, reemployment or return from leave.**

*a.* An employee who is reinstated will be paid at a rate no greater than what the employee was last paid and between the minimum and maximum of the pay grade. An employee who is returned to a merit system position from a professional position, will be paid in accordance with subrule 3.39(4), pay on demotion. The date of reinstatement will be the merit review date.

*b.* An employee who is reemployed to the previously occupied class will be paid at a rate no greater than what the employee was last paid and between the minimum and maximum of the pay grade. When a merit increase has been granted to an employee in a position taken through voluntary demotion in lieu of layoff and the merit increase results in a higher rate of pay than last paid to the employee prior to the voluntary demotion in lieu of layoff, the employee may be reemployed to the previously occupied class with the higher rate of pay. Reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion. The merit review date will

not change as a result of the voluntary demotion in lieu of layoff, nor as a result of reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff.

c. An employee who is reappointed to the previously occupied position or a position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on reemployment as provided above.

**3.39(6) Pay for special assignment.** Provided an employee is granted special assignment in accordance with 3.102(2) of these rules the employee will be paid for the duration of such assignment consistent with:

- a. 3.39(3) Pay on promotion if assigned to a class having a higher pay grade;
- b. 3.39(7) Pay on transfer if assigned to a class having the same pay grade;
- c. The present base pay if assigned to a class having a lower pay grade.

**3.39(7) Pay on lateral transfer.**

a. Employees who are transferred from one position to another position in the same class shall receive no adjustment in base pay;

b. Employees who are transferred from one position to another position in a different class but in the same pay grade shall receive no adjustment in base pay except as set forth in "c" and "d" below;

c. Employees who are transferred from one class with a lower or no advanced starting rate to a class with a higher advanced starting rate shall receive:

(1) An adjustment to the higher advanced starting rate if the base pay prior to lateral transfer is less than the higher advanced starting rate. When the base pay adjustment is the salary equivalent of the value of a step or greater, an adjustment in merit review date will result and be computed from the effective date of lateral transfer and in accordance with 3.39(2); or

(2) There will be no adjustment in base pay if the employee's base pay prior to lateral transfer is not less than the higher advanced starting rate.

d. Employees who are transferred from one position in a class with a higher advanced starting rate to a position in a class in the same pay grade but with a lower or no advanced starting rate shall be paid in accordance with subrule 3.39(4), pay on demotion.

e. In no case may an employee be paid below the minimum or above the maximum for a classification.

**3.39(8) Pay upon change in pay grade of class.** If the class is revised and reassigned to a higher pay grade, subrule 3.39(3), pay on promotion, will apply.

If the class is revised and reassigned to a lower pay grade, subrule 3.39(4), pay on demotion, will apply.

**3.39(9) Pay for part-time employment.** Pay for part-time employment will be proportionately equivalent to the rate for full-time employment.

**3.39(10) Pay for exceptional performance.** An employee may be given pay for exceptional performance, not to exceed 5 percent of an employee's current annual salary, at the written request of the employee's department head with appropriate administrative approval and the prior approval of the resident director. The request will describe the nature of the exceptional job performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review. To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump sum award and will not change the employee's established salary rate. No employee will be eligible for more than one award a year.

**3.39(11) Pay for call back.** Employees who are called back to work after completing their regular work schedule will be paid for a minimum period of three hours, regardless of the time worked. Employees who are called back and work in excess of three hours will be paid the actual time worked.

**3.39(12) Pay for lead worker status.** On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to regular duties, may be designated as lead worker in the classification

assigned, and paid during the period of such designation the employee's base salary plus the equivalent of one step.

**3.39(13) *Pay for trainees and apprentices.*** The schedule of wages for trainees and apprentices will consist of a step in the pay matrix for every year of training required. Each employee whose performance is satisfactory as determined by the employing department will progress one-half step every six months from the first step of the schedule to the entrance rate established for the journey class at the completion of time established for training or apprenticeship.

**3.39(14) *Pay for returning veterans.*** Veterans who return from military leave will have their pay set at the rate they would have attained had they continued in service at the regent institution from which they took military leave.

**3.39(15) Reserved.**

**3.39(16) *Payment of a shift differential.*** All employees will be paid a shift differential for any shift of which four or more hours occur between 6 p.m. and midnight and a shift differential for any shift of which four or more hours occur between midnight and 6 a.m. The amount of the shift differential paid shall be determined by the merit system director.

**3.39(17) *Pay for time on-call.*** At the request of the employer, employees who are off duty and free to engage in their own pursuits shall be considered on-call, provided (a) that they leave word with the employer where to be reached if needed, and (b) that they are able to report ready for work within a specified time after being contacted by the employer. The rate for on-call pay shall be determined by the merit system director.

**3.39(18) *Pay on reclassification of position.*** If a position is reclassified, the incumbent's pay will be fixed in accordance with the rules governing pay on demotion, reemployment, transfer, or promotion, whichever is applicable.

This rule is intended to implement Iowa Code Supplement section 8A.413.

[Filed 6/14/72; amended 8/15/74, 3/11/75]

[Emergency amendment filed 10/23/75—published 11/3/75, effective 10/23/75]

[Filed 11/19/75, Notice 10/6/75—published 12/15/75, effective 1/19/76]

[Filed 6/24/76, Notice 5/17/76—published 7/12/76, effective 8/16/76]

[Filed emergency 7/26/76—published 8/9/76, effective 7/26/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 7/15/77—published 8/10/77, effective 7/16/77]

[Filed emergency 9/12/77—published 10/5/77, effective 9/12/77]

[Filed emergency 2/1/78 after Notice 10/5/77—published 2/22/78, effective 2/1/78]

[Filed 2/1/78, Notice 10/19/77—published 2/22/78, effective 3/29/78]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]

[Filed 9/10/79, Notice 7/25/79—published 10/3/79, effective 11/7/79]

[Filed 9/24/80, Notice 8/6/80—published 10/15/80, effective 11/19/80]

[Filed emergency 6/29/81—published 7/22/81, effective 7/1/81]

[Filed emergency 6/3/82—published 6/23/82, effective 7/1/82]

[Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed 2/22/85, Notice 12/19/84—published 3/13/85, effective 4/17/85]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed emergency 10/2/85—published 10/23/85, effective 10/4/85]

[Filed emergency 6/13/86—published 7/2/86, effective 7/1/86]

[Filed 10/26/87, Notice 8/26/87—published 11/18/87, effective 12/23/87]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 5/27/88, Notice 4/20/88—published 6/15/88, effective 7/20/88]

[Filed 7/19/90, Notice 6/13/90—published 8/8/90, effective 9/12/90]

[Filed 9/24/92, Notice 8/5/92—published 10/14/92, effective 11/18/92]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95\*]

[Filed 12/23/97, Notice 11/5/97—published 1/14/98, effective 2/18/98]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]



[Filed 4/23/04, Notice 3/3/04—published 5/12/04, effective 6/16/04]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

\*Effective date of 9/20/95 on subrule 3.39(12) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 13, 1995. Delay lifted by this Committee November 13, 1995, effective November 14, 1995.

**681—3.40 to 3.49** Reserved.

#### APPLICATION AND EXAMINATION

**681—3.50(8A) Applications.** Applications for employment will contain no question so formed as to elicit any information prohibited by state or federal statutes, and the truth of statements made on the application will be certified by the signature of the applicant. Public announcement of vacancies will be made for ten calendar days in classifications for which applications are not accepted on a continuous basis. Persons with disabilities may request specific examination accommodations. Reasonable accommodations will be granted in accordance with policies established by the institution. Applications will be kept on file at the institution for a period of time to be designated by the resident director.

**681—3.51(8A) Examinations.** Examinations will be practical in nature, constructed to reveal the capacity to successfully perform the job for which the applicant is competing, and will be rated objectively.

**681—3.52(8A) Character of examinations.** Examinations may be written or oral and may include physical or performance tests, or any combination of these. Examinations may screen for such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes which enter into the determination of the relative fitness of applicants. The examination process must be approved by each institution's resident director.

Persons with disabilities may request specific examination accommodations. Reasonable accommodations will be granted in accordance with policies established by the institution.

Veterans preference shall be applied as provided by law.

**681—3.53 and 3.54** Reserved.

**681—3.55(8A) Rejection or disqualification of applicants.** The resident director may reject any applicant or, after examination, may refuse to certify any candidate if it is found that the person:

1. Does not meet the minimum required qualifications for the class;
2. Cannot perform the essential functions of the position with or without a reasonable accommodation;
3. Habitually uses narcotics or uses intoxicating beverages to excess;
4. Has made a false statement of material fact in the application;
5. Has information concerning the examination to which the person is not entitled;
6. Has been convicted of a crime which makes the person unsuitable for employment in a particular class or position;
7. Has been dismissed from private or public service for a cause that would be detrimental to the regents institution employing the applicant.

A disqualified applicant will promptly be notified in writing of such action at the last-known address. A disqualified applicant may request review of the reason for disqualification. Such request will be in writing and upon receipt, the resident director will give full consideration to the request and notify the applicant of the resident director's decision in writing.

**681—3.56** Reserved.

[Filed 5/11/71; amended 8/17/73]

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]  
 [Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]  
 [Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]  
 [Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]  
 [Filed 3/31/88, Notice 1/27/88—published 4/20/88, effective 5/25/88]  
 [Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95]  
 [Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]  
 [Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

**681—3.57 to 3.66** Reserved.

#### CERTIFICATION AND SELECTION

**681—3.67(8A) Eligibility lists.** Three kinds of eligibility lists will be established: reemployment, employment, and promotional.

Reemployment lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically related disability leave, in accordance with 3.104(4)“j” and 681—3.143(8A) or in accordance with 3.90(4). These lists will be maintained in order by retention points calculated in accordance with the rules for reduction in force, beginning with the person with the highest number of points. Reemployment rights apply only to classes for which the employee is eligible in accordance with these rules.

Employment lists will include the names of all applicants who meet the qualifications for a classification. Employment lists will be maintained for specific classifications designated for continuous acceptance of applications in accordance with rule 681—3.50(8A). Promotional lists will consist of the names of all permanent employees who are qualified and have requested consideration for promotion unless an employing department requests that the promotional list be limited to permanent employees of that department.

**3.67(1) Removal of names from eligibility lists.** In addition to the causes for rejection or disqualification set forth under 681—3.55(8A), the resident director may permanently or temporarily remove names from eligibility lists for the following reasons:

- a. Upon receipt of notification from applicants that they no longer desire consideration for a position in the class.
- b. Appointment through certification from such eligibility list to fill a permanent position.
- c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.
- d. Declination of appointment without good cause or under conditions which the applicants previously indicated they would accept.
- e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.
- f. Failure to maintain a record of their current address with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.
- g. Willful violation of any of the provisions of these rules.
- h. Rescinded IAB 6/12/02, effective 7/17/02.

**3.67(2) Duration of eligibility lists.** Eligibility lists may be continuous or closed after a vacancy is filled. Names may be added to or deleted from eligibility lists in accordance with these rules. The names of applicants who have not been appointed or otherwise removed from lists will be removed at the termination of the period of time designated by the resident director.

**3.67(3) Precedence of eligibility lists.** Reemployment lists will supersede employment and promotional lists.

**681—3.68(8A) Personnel requisitions.** Requests to fill vacancies in permanent positions will be initiated by the requesting department and forwarded to the resident director. The request will include the class of the position to be filled, the number of vacancies and the date of need.

**681—3.69(8A) Certification from eligibility lists.** The resident director will certify the names of eligible candidates in the following manner:

From a reemployment list the resident director will certify for appointment in the following order:

1. If the vacancy occurs in a college or operating division in which employees on the reemployment list for that class were last employed, the resident director will certify the one employee with the greatest number of retention points on the list who was laid off, demoted or took a medically related disability leave from that college or division; or

2. If the vacancy occurs in a college or operating division other than the one in which any employee on the reemployment list for that class was last employed, the resident director will certify the reemployment list.

When the reemployment list for a class has been exhausted, employing departments may request either the employment list or promotional list or both, and the resident director will certify the registers.

**3.69(1) Eligibility registers.** An eligibility register will consist of the names of the certified applicants for a specific vacancy.

**3.69(2) Special qualifications.** An employing department may request in writing that the resident director certify applicants who have special qualifications in addition to the minimum qualifications prescribed in the class specifications. If, in the judgment of the resident director, such a request is validly related to job performance, the resident director may certify only the names of applicants who have such special qualifications.

This rule is intended to implement Iowa Code Supplement section 8A.413.

**681—3.70(8A) Selection of employees.** Final selection will be made by the employing department. Nothing in these rules will require the hiring of any applicant. When a properly certified applicant is selected by a department, the department will so notify the resident director.

[Filed 5/11/71; amended 8/15/74]

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]

[Filed emergency 12/29/80—published 1/21/81, effective 1/2/81]

[Filed 8/20/82, Notice 6/23/82—published 9/15/82, effective 10/20/82]

[Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 10/26/87, Notice 8/26/87—published 11/18/87, effective 12/23/87]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 3/31/88, Notice 1/27/88—published 4/20/88, effective 5/25/88]

[Filed 1/19/90, Notice 11/15/89—published 2/7/90, effective 3/14/90]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

**681—3.71 to 3.80** Reserved.

#### APPOINTMENTS AND PROBATION

**681—3.81(8A) Appointments.** All appointments under this system will be made in accordance with all the provisions of these rules including those concerning certification and selection unless otherwise specified and no appointment shall be made without the prior approval of the resident director.

**681—3.82(8A) Temporary appointments.** Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Appointments may be made without reference to the provision of these rules regarding minimum qualifications, certification, and selection. Employees appointed on this basis will not work more than 780 hours in any fiscal year.

This rule is intended to implement Iowa Code Supplement section 8A.413(9).

**681—3.83** Reserved.

**681—3.84(8A) Trainee, apprentice, or career development appointment.** When a position within a class cannot be filled because of the lack of qualified eligibles, or applicants meeting the minimum qualifications for the class, or the institution specifically designates a position for trainee, apprentice, or career development purposes, the institution may appoint a person who meets the minimum qualifications established in programs approved by the merit system director for this type of appointment.

**681—3.85(8A) Project appointment.** When it is known that a particular job, project, grant or contract will require the services of an employee for a limited duration, a project appointment may be made. Such an appointment will not be made for more than one year. While an extension beyond one year may be approved by the merit system director on the basis of a limited need that could not otherwise be efficiently and effectively filled, successive project appointments will not be allowed.

Such appointments will not confer to the individual any right of position, transfer, demotion, or promotion, but incumbents shall be eligible for vacation and sick leave, except that a project appointment made for less than 780 hours will be considered a temporary appointment under rule 681—3.82(8A) without conferring rights or eligibility for vacation or sick leave.

This rule is intended to implement Iowa Code Supplement section 8A.413(9).

**681—3.86** Reserved.

**681—3.87(8A) Permanent appointments.** An applicant who is certified from an eligibility register and appointed with the approval of the resident director to a permanent position, and who successfully completes a probationary period in accordance with these rules, will have permanent status.

**681—3.88** Reserved.

**681—3.89(8A) Reinstatement.** A permanent employee who has resigned in good standing may be reappointed to a position in the same class or pay grade from which the employee resigned or a lower class for which qualified.

**681—3.90(8A) Probationary period.**

**3.90(1) Purpose.** The probationary period will be an important part of the examination and selection process, and will be used by the employing department to closely observe and evaluate employee's work, to train and aid the employees in adjustment to their position, and to reject and dismiss any employee whose performance fails to meet standards.

**3.90(2) Duration of probation.** An employee on original appointment or who is reinstated or reemployed to a class not previously held will be on probation until the person completes six months of active service in the position to which appointed. If a probationary employee is not dismissed during this time, the person will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service.

Permanent employees who are promoted from one class to another, or who transfer out of class, or who demote will serve a period of probation of six months in the position to which appointed. If the employee is not dismissed during this time, the employee will, at the conclusion of the probationary period, have permanent status in the class.

**3.90(3) *Layoffs during probation.*** Employees who are laid off during their probationary period will, upon written request to the resident director, be placed on the appropriate eligibility list.

**3.90(4) *Dismissal during probation.*** Employees on original appointment or who have been reinstated or reemployed and dismissed during their probationary period may be returned to the eligibility list from which they were appointed if, in the judgment of the resident director, they may be able to perform satisfactorily in another position. Employees who are promoted from one class to another or who transfer out of class or who demote out of class series and are dismissed during their probationary period may be placed on the reemployment list for a previously held classification if, in the judgment of the resident director, they may be able to perform satisfactorily in another position.

[Filed 5/11/71; amended 7/17/72, 8/15/74]

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed 9/24/80, Notice 8/6/80—published 10/15/80, effective 11/19/80]

[Filed 8/20/82, Notice 6/23/82—published 9/15/82, effective 10/20/82]

[Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed 2/22/85, Notice 12/19/84—published 3/13/85, effective 4/17/85]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 10/26/87, Notice 8/26/87—published 11/18/87, effective 12/23/87]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

**681—3.91 to 3.100** Reserved.

PROMOTIONS, DEMOTIONS, TRANSFERS AND TERMINATIONS

**681—3.101(8A) Promotions.** Vacancies will be filled by promotion of qualified permanent employees in accordance with these rules whenever practicable and feasible.

This rule is intended to implement Iowa Code Supplement sections 8A.402 and 8A.413.

**681—3.102(8A) Transfers.**

**3.102(1) *Reassignments.*** Employees with the approval of the resident director may be reassigned at any time from one position to another in the same class within an institution, except that probationary employees who were certified to fill their position on the basis of special qualifications as provided in 3.69(2) will not be reassigned unless the new position requires the same special qualifications which justified the original certification.

**3.102(2) *Special assignment.*** When the services of employees are temporarily needed in a position in the same or a different class within the institution other than the position to which the employees are assigned, they may be given special assignment, with the prior approval of the resident director and involved departments, to perform the duties of such position for a period not to exceed six months without change in title or status. In unusual circumstances, an extension of a special assignment for no more than one additional six-month period may be approved by the merit system director on written request from the resident director. Employees will be paid for special assignment in accordance with 3.39(6).

**3.102(3) *Intra- and inter-institutional transfers.*** With permanent employees' approval they may be transferred from one position to another in the same class or to a position in another class in the same pay grade, from one department to another department in the same or different institution under this system, provided both departments involved approve the transfer, and the resident director certifies that the employees meet the minimum qualifications for the class.

Transfers to higher or lower classes will be governed by the provisions of these rules concerning promotion or demotion, respectively.

**681—3.103(8A) Demotion (voluntary).** If, for any reason, an employee wishes to be demoted to a position in a lower class, the resident director may, upon written request from the employee and with the approval of involved departments, effect such a demotion provided the employee is certified by the resident director as meeting the qualifications required for the lower class. Voluntary demotion will not be subject to appeal.

**681—3.104(8A) Terminations.**

**3.104(1) Resignations.** To resign in good standing employees must notify the employing department of their intention to resign in writing at least ten days prior to the effective date of resignation, except in cases where the employing department agrees to a shorter period of notice. An employee who fails to give proper notice may, at the request of the employing department, be barred from future certification to that department or from reinstatement as provided for in these rules. Employees who resign will have no rights of appeal under these rules.

**3.104(2) Termination on expiration of appointment.** On expiration of an appointment of limited duration the employing department will report such action in writing to the resident director.

**3.104(3) Retirement.** Employees who retire will be considered to have terminated in good standing and without prejudice and will have no rights of appeal under these rules.

**3.104(4) Reduction in force.**

*a.* Nothing herein shall be construed as a guarantee of hours of work per day or per work period. An institution may lay off an employee when it deems necessary because of shortage of funds or work, a material change in duties or organization or abolishment of one or more positions.

*b.* Reduction in force will be accomplished in a systematic manner in accordance with these rules; however, the layoff provisions established in this subrule shall not apply to:

(1) Temporary layoffs of less than 20 workdays or 160 hours of work per calendar year;

(2) Interruptions in the employment of school term employees during breaks in the academic year, during the summer, or during other seasonal interruptions that are a condition of employment, with the prior approval of the resident director;

(3) The promotion or reclassification of an employee to a class in the same or a higher pay grade;

(4) The reclassification of an employee's position to a class in a lower pay grade that results from the correction of a classification error, the implementation of a class or series revision, changes in the duties of the position, or a reorganization that does not result in fewer total positions in the unit that is reorganized;

(5) A change in the classification of an employee's position or the appointment of an employee to a vacant position in a class in a lower pay grade resulting from a disciplinary or voluntary demotion; and

(6) The transfer or reassignment of an employee to another position in the same class or to a class in the same pay grade.

*c.* The individual whose position is eliminated or reduced in hours will be reassigned to a vacant position in the same classification provided the individual can perform the essential functions of the position and possesses any required special qualifications. If there is no vacant position to which the individual can be reassigned, the individual(s) may request and accept layoff with reemployment rights as provided in 3.104(4) "o." If an individual(s) directly affected does not request layoff with reemployment rights, the reduction in force procedures in this subrule shall be implemented.

*d.* Reduction in force will be made by class.

*e.* Reduction in force may be made by organizational unit within an institution or institutionwide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.

*f.* The order of reduction in force will be by type of appointment as follows: temporary, trainee, initial probationary, permanent.

*g.* Each permanent employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 20 working days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.

*h.* There will be competition among all employees in the class affected by the layoff based on a retention points system that will consist of points for length of service and performance evaluation of all employees in the class within the organizational unit or units affected. Retention points will be calculated as follows:

(1) Length of service credit will be allowed at the rate of one point for each month of service. Any period of 15 calendar days of service in a month will be considered a full month. For the purpose of computing length of service credits, the institution will include all periods of regular merit employment during periods of continuous regular appointments with the institution between the date of the original appointment and the date of the layoff or as provided otherwise by law. Periods of leave without pay exceeding 30 days will not be counted.

(2) Performance evaluation credit will be allowed at the rate of one point for each month of satisfactory service. No credit will be allowed for service rated less than satisfactory. If there is no record of performance evaluation for a specific time period, it shall be presumed that the employee's performance is satisfactory.

(3) Reduction in force retention points will be the total of length of service and performance evaluation.

*i.* Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at top. Layoffs will be made from the list in reverse order unless the employee with the least retention points has special skills and abilities required to perform in the position currently occupied. Employees with greater retention points who must vacate their positions must possess the special skills and abilities required for that position and meet any job-related selective certification required for that position. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.

*j.* When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee with the longest time in the class.

*k.* The reduction in force plan approved by the merit system director will be made available by the resident director so that all employees will have access to it.

*l.* An affected employee may appeal a reduction in force by filing, within five days after notification as provided in 3.104(4) "g," a written grievance with the resident director (at Step 3 of the grievance procedure provided in 681—3.129(8A) or at a comparable step of a procedure approved under 3.129(1)). If not satisfied with the decision rendered at that step, the employee may pursue an appeal in accordance with the grievance procedure.

*m.* A supervisory employee, defined as a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend such action, may not replace or bump a junior employee not being laid off. For purposes of this subrule, "junior employee" means an employee with less seniority or fewer retention points than a supervisory employee.

*n.* A permanent employee in a nonsupervisory class in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower nonsupervisory class in the same series utilized at the institution or, in the absence of a lower nonsupervisory class in the same series, to a nonsupervisory class which the employee has formerly occupied while in the continuous employment of the institution. The employee must possess any special qualifications required and have the ability to perform the essential functions of the position. Such demotion or the occupying of a formerly held nonsupervisory class will not be permitted if the result thereof would be to cause the layoff of a permanent employee with a greater total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held nonsupervisory classification in lieu of layoff, the employee must notify the resident director in writing of such election not later than five calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

*o.* Employees who are laid off or who accept voluntary demotion in a series or assignment to a previously held class in lieu of layoff will, at their request, have their names placed on the reemployment eligibility list for the class from which they were laid off, a lower class(es) in the same series from which they were laid off, and a class(es) formerly occupied in accordance with 681—3.67(8A) to 681—3.70(8A) for a period of up to two years from the date of layoff. If reemployment occurs within two years of separation due to reduction in force, prior service credit shall be restored. Acceptance of reemployment in a lower class in the same series from which the employee was laid off or in a previously held class will not affect the employee's standing on the reemployment list for the class from which the employee was laid off. After two years on the reemployment eligibility list, the employee's name shall be removed.

**3.104(5) *Abandonment of position.*** Employees who are absent from duty for three consecutive work days without proper notification and authorization thereof shall be deemed to have resigned their positions.

This rule is intended to implement Iowa Code Supplement section 8A.413(14).  
[ARC 9812B, IAB 10/19/11, effective 11/23/11]

[Filed 7/12/71; amended 7/17/72]

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]

[Filed 9/24/80, Notice 8/6/80—published 10/15/80, effective 11/19/80]

[Filed 5/6/82, Notice 3/31/82—published 5/26/82, effective 6/30/82]

[Filed 10/2/84, Notice 7/4/84—published 10/24/84, effective 11/28/84]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 10/26/87, Notice 8/26/87—published 11/18/87, effective 12/23/87]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 3/31/88, Notice 1/27/88—published 4/20/88, effective 5/25/88]

[Filed 9/29/89, Notice 7/26/89—published 10/18/89, effective 11/22/89]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95\*]

[Filed emergency 11/8/01—published 11/28/01, effective 11/8/01]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

[Filed ARC 9812B (Notice ARC 9597B, IAB 7/13/11), IAB 10/19/11, effective 11/23/11]

\*Effective date of 9/20/95 on subrule 3.102(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 13, 1995. Delay lifted by this Committee November 13, 1995, effective November 14, 1995.

**681—3.105 to 3.114** Reserved.

#### DISCIPLINARY ACTIONS

**681—3.115(8A) Causes for disciplinary action.** All employees may be subject to disciplinary action for any of the reasons specified in Iowa Code Supplement section 8A.413(16).

**681—3.116(8A) Disciplinary actions.** Disciplinary action will be reasonable, timely and related in severity to the seriousness of the offense; however, this will not preclude reasonable penalties of varying severity for an accumulation of offenses.

**3.116(1) *Suspension.*** A department head may, for cause in accordance with 681—3.115(8A), suspend any employee for such length of time as the department head considers appropriate but not to exceed 10 days at any one time or 20 days in any 12-month period. The department head will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee's personnel file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 681—3.129(8A) or to a comparable step in a grievance



procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

**3.116(2) *Reduction of pay within grade.*** A department head may, for cause in accordance with 681—3.115(8A), reduce the pay of an employee to a lower rate of pay within the pay grade assigned to the class. The department head will notify the affected employee of the reduction, the reasons therefor and the duration thereof, in writing within 24 hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee's personnel file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 681—3.129(8A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

**3.116(3) *Demotion.*** A department head may, for cause in accordance with 681—3.115(8A), demote an employee to a vacant position in a lower class provided the employee meets the qualifications for that lower class. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of demotion will be sent by the department to the resident director and will be maintained in the employee's personnel file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 681—3.129(8A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.

**3.116(4) *Discharge.*** A department head may, for cause in accordance with 681—3.115(8A), discharge any employee. The department head will notify the affected employee of the discharge and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of discharge will be sent by the department to the resident director and will be maintained in the employee's personnel file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 681—3.129(8A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

[Filed 7/12/71]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

**681—3.117 to 3.126** Reserved.

#### GRIEVANCES AND APPEALS

**681—3.127(8A) *Reviews of position classification.*** Permanent employees and department heads may request a position classification review and such requests shall be in written form. The employee's request will be forwarded to the resident director with a recommendation from the department head within 10 working days of the date of the request. The resident director shall review the employee's and department head's request and with a recommendation forward the request to the merit system director within 20 working days. The merit system director shall review and respond within 20 working days to the resident director who will inform the employee and department head. If the employee or department head is not satisfied with the merit system director's decision, that person may appeal the decision in writing within 15 working days of the merit system director's decision to a qualified classification appeal committee appointed in accordance with the procedures approved by the board of regents.

The classification appeal committee will conduct such investigation as it deems necessary to determine the proper allocation of the position, and will notify the involved parties of its decision within 45 calendar days after the committee receives the appeal. Any further requests for review of the same

position must be presented to the resident director in compliance with this rule and will be considered a new classification review. A new classification review will not be allowed for one year following the final decision on a request for review unless there have been substantial changes in the duties and responsibilities of the position. An appeal will be considered on the basis of duties and responsibilities assigned at the time of the original classification review, and in no case will the assignment of additional duties and responsibilities following the resident director's investigation of the original request for review be considered during the process of appeal as outlined above.

This rule is intended to implement Iowa Code Supplement section 8A.413.

**681—3.128(8A) Appeals on application, examination and certification procedures.** Applicants may appeal an action which they allege to be in violation of these rules concerning applications, examinations or certifications. The aggrieved applicant will first discuss the matter with the resident director and, if not satisfied with the explanation and decision given, may within 20 days after the occurrence of the alleged violation file a written appeal with the resident director at Step 3 of the grievance procedure provided in 681—3.129(8A), or at a comparable step of a procedure approved under 3.129(1). If the applicant is not satisfied with the decision rendered at that step the applicant may pursue the appeal in accordance with the grievance procedure. If the grievance concerns the form or content of the application or an examination as approved by the merit system director, the director will act jointly with the resident director and at subsequent steps in response to an appeal.

Appeals by applicants alleging improper discrimination on the basis of political or religious opinions or affiliations, or national origin, race, sex, disability or age in selection, will be filed at Step 3 in the grievance procedure provided in 681—3.129(8A) or at a comparable step of a procedure approved under 3.129(1).

This rule is intended to implement Iowa Code Supplement sections 8A.402, 8A.413, and 8A.416.

**681—3.129(8A) Grievances.** Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in 681—3.127(8A) and 681—3.128(8A)) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with 3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal in writing at steps within the institution. The institutional representative may permit an oral presentation at any step if the institutional representative deems one necessary. At each step of the grievance procedure, the employee may be represented by one or two persons of the employee's choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If an institutional representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

*Step 1.* Dissatisfied employees will first discuss their problem with their immediate supervisor. It is presumed that the majority of disputes, complaints, or misunderstandings will be resolved at this point. If the employee is still dissatisfied after such discussion, the employee may within ten days after the occurrence of the matter leading to the grievance or within ten days after such time that the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with the employee's immediate supervisor. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the institutional or merit system rule which has allegedly been violated and will state the corrective action desired by the employee. The supervisor will review the grievance with the employee and will transmit the supervisor's decision to the employee in writing within five days after receiving the grievance.

*Step 2.* If the employee is not satisfied with the decision of the supervisor, the employee may within five days after receiving that decision appeal it to the department head. Such an appeal will be in writing and will contain all of the information included in the initial grievance, the decision of the supervisor, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee. The department head will investigate the grievance and will give the employee or a representative of the employee's choosing the right to present the employee's case orally. The department head may affirm, reverse, or modify the supervisor's decision and will notify the employee of the decision in writing within ten days after receiving the appeal.

*Step 3.* If the employee is not satisfied with the decision of the department head, the employee may within five days after receiving that decision, appeal it to the dean of the college or the head of the major operating division in which employed. The dean or the division head and the resident director or designee(s) will jointly represent the institution at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The dean of the college or head of the division and the resident director or designee(s) will investigate the grievance and will give the employee or a representative of the employee's choosing the right to present the employee's case orally. The institutional representatives may affirm, reverse, or modify the decision of the department head, and will notify the employee of their decision in writing within ten days after receiving the appeal.

*Step 4.* If the employee is not satisfied with the decision rendered at Step 3 of the grievance procedure, the employee may within five days after receiving that decision appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The chief administrator or the chief administrator's designee will investigate the grievance and will give the employee the right to present the employee's case orally. The chief administrator may affirm, reverse, or modify the decision rendered at Step 3 and will notify the employee of the administrator's decision in writing within ten days after receiving the appeal.

*Step 5.* Employees not satisfied with the decision rendered under Step 4 may within five days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under 3.129(2). The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The board of regents shall retain jurisdiction to review decisions of the merit director as to whether a matter is grievable or arbitrable upon appeal by an employee.

**3.129(1) *Institutional grievance procedure.*** An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in 681—3.129(8A), provided that such a procedure begins with discussion between the employee and the employee's immediate supervisor and provides for a final hearing in accordance with Step 5 of the grievance procedure prescribed herein. Such an institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system director. In the absence of an approved institutional procedure, 681—3.129(8A) will apply.

**3.129(2) *Appeals.*** The board of regents will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service with a preference for those Iowans so certified.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board of regents within the prescribed time.

[Filed 7/12/71; amended 11/4/74]

[Filed 11/19/75, Notice 10/6/75—published 12/15/75, effective 1/19/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed 9/24/80, Notice 8/6/80—published 10/15/80, effective 11/19/80]

[Filed 8/20/82, Notice 6/23/82—published 9/15/82, effective 10/20/82]

[Filed 9/23/83, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 9/29/89, Notice 7/26/89—published 10/18/89, effective 11/22/89]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

**681—3.130 to 3.139** Reserved.

#### VACATIONS AND LEAVES OF ABSENCE

**681—3.140(8A) Attendance.** Employing departments will establish work schedules and other regulations regarding attendance that they deem necessary in accordance with these rules and the policy and rules of their institution, and such schedules and rules will be made known to affected employees.

**681—3.141(8A) Vacations.** Permanent and probationary employees will accrue and take vacations as provided by law. Employees will be entitled to take only that vacation time which they have accrued and while employee preferences will be given major consideration, employing departments will have final authority to schedule vacations.

Permanent and probationary part-time employees will accrue vacation in an amount equivalent to their fractional employment. An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated vacation time as a result thereof.

**681—3.142(8A) Holidays.** Permanent and probationary employees will be granted holidays approved by the board of regents.

**681—3.143(8A) Sick leave.** Permanent and probationary employees will accrue sick leave as provided by law and will be entitled to such leave on presentation of satisfactory evidence. Permanent part-time employees will accrue sick leave in an amount equivalent to their fractional employment, and no employees will be granted sick leave in excess of their accumulation.

An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated sick leave as a result thereof.

A permanent employee who has recovered after exhausting all accumulated sick leave and vacation time and has a medical release to return to work will, at the employee's request, be placed on the reemployment list for the class the employee previously occupied and on reemployment lists for lower level classes for which the employee is qualified in accordance with 681—3.67(8A) to 681—3.70(8A) for a period of up to two years from the date the employee was released to return to work. Such employee acceptance of reemployment in a lower class will not affect the employee's standing on the reemployment list for the class that the employee formerly occupied. If reemployment occurs within two years of an employee's release to return to work following a medically related disability, prior

service credit shall be restored. After two years on the reemployment eligibility list, the employee's name shall be removed.

[ARC 9812B, IAB 10/19/11, effective 11/23/11]

**681—3.144(8A) Military leave.** Permanent and probationary employees will be granted military leave as provided by law, with pay not to exceed 30 calendar days in a calendar year.

**681—3.145(8A) Family leave.** Eligible employees will be granted family leave in accordance with federal law and board of regents and institutional policies and procedures.

**681—3.146(8A) Court and jury service.** When, in obedience to the subpoena or direction by proper authority, employees appear as witnesses or serve as members of juries in any public or private litigation, they will be entitled to their regular compensation provided they surrender to their employing institution any pay they receive, other than reimbursement for travel or personal expenses, for such service.

**681—3.147(8A) Voting leave.** If an employee's working hours do not allow a three-hour period outside of working hours during which the polls are open, any person entitled to vote in a public election is entitled to time off from work with pay on any public election day for a period not to exceed three hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor.

**681—3.148(8A) Family care and funeral leave.** An employing department will, when satisfied by evidence presented, grant an employee time off with pay:

1. Not to exceed three days for each occurrence in the case of death in the employee's immediate family;
2. Not to exceed one day for each occurrence for service as a pallbearer at the funeral of a person not a member of the employee's immediate family; and
3. Not to exceed 40 hours a year for the care of or necessary attention of ill or injured members of the employee's immediate family. Employees may carry over up to 40 hours of unused family care leave to the next year, for a maximum utilization of 80 hours in the next year.

All such time off will be charged to the employee's sick leave and will not be granted in excess of the employee's accrued leave. For the purpose of this rule, "immediate family" is defined as the employee's spouse, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse, and other persons who are members of the employee's household.

[ARC 9812B, IAB 10/19/11, effective 11/23/11]

**681—3.149(8A) Leave of absence without pay.** In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee's requests for a leave of absence without pay for up to one year. With the same approval, such a leave may be extended for no more than one additional year.

On conclusion of a leave of absence without pay, employees, if qualified, will be returned to the position from which they were granted leave or to another position in the same class. If such a position no longer exists, the layoff provisions of these rules will take effect.

**681—3.150(8A) Election leave.** Employees who become candidates for public office will be granted election leaves as provided by law.

**681—3.151(8A) Disaster service volunteer leave.** Subject to the approval of the appointing authority, an employee who is a certified disaster service volunteer for the American Red Cross may, at the request of the American Red Cross, be granted leave with pay to participate in disaster relief services relating to a disaster in the state of Iowa. Such leave shall be only for hours regularly scheduled to work and shall

not be for more than 15 workdays in a fiscal year. Employees granted such leave shall not lose any rights or benefits of employment while on such leave. An employee while on leave under this rule shall not be deemed to be an employee of the state for purposes of workers' compensation or for the purposes of the Iowa tort claims Act.

This rule is intended to implement Iowa Code Supplement section 8A.413 and Iowa Code section 262.9(2).

[Amended 7/13/71, 7/17/72, 9/21/72]

[Filed 11/19/75, Notice 10/6/75—published 12/15/75, effective 1/19/76]

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]

[Filed 4/26/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 7/15/77—published 8/10/77, effective 7/16/77]

[Filed emergency 2/1/78 after Notice 10/5/77—published 2/22/78, effective 2/1/78]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]

[Filed 9/10/79, Notice 7/25/79—published 10/3/79, effective 11/7/79]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95<sup>1</sup>]

[Filed emergency 9/21/95—published 10/11/95, effective 9/22/95]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

[Filed 12/14/05, Notice 10/12/05—published 1/4/06, effective 2/8/06]

[Filed ARC 9812B (Notice ARC 9597B, IAB 7/13/11), IAB 10/19/11, effective 11/23/11]

681—CHAPTER 3 CUMULATIVE HISTORY

[Filed 5/11/71; amended 7/12/71, 7/13/71,

6/14/72, 7/17/72, 9/21/72, 8/17/73, 8/15/74, 11/4/74, 3/11/75]

[Emergency amendment filed 10/23/75—published 11/3/75, effective 10/23/75]

[Filed 11/19/75, Notice 10/6/75—published 12/15/75, effective 1/19/76]

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]

[Filed 4/26/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 4/4/77, Notice 2/23/77—published 4/20/77, effective 5/25/77]

[Filed emergency 7/15/77—published 8/10/77, effective 7/16/77]

[Filed emergency 2/1/78 after Notice 10/5/77—published 2/22/78, effective 2/1/78]

[Filed emergency 6/29/78—published 7/26/78, effective 7/1/78]

[Filed 9/10/79, Notice 7/25/79—published 10/3/79, effective 11/7/79]

[Filed 9/24/80, Notice 8/6/80—published 10/15/80, effective 11/19/80]

[Filed emergency 12/29/80—published 1/21/81, effective 1/2/81]

[Filed 5/6/82, Notice 3/31/82—published 5/26/82, effective 6/20/82]

[Filed 8/20/82, Notice 6/23/82—published 9/15/82, effective 10/20/82]

[Filed 9/23/82, Notice 8/3/83—published 10/12/83, effective 11/16/83]

[Filed emergency 6/15/84—published 7/4/84, effective 7/1/84]

[Filed 10/2/84, Notice 7/4/84—published 10/24/84, effective 11/28/84]

[Filed 2/22/85, Notice 12/19/84—published 3/13/85, effective 4/17/85]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed emergency 10/2/85—published 10/23/85, effective 10/4/85]

[Filed emergency 6/13/86—published 7/2/86, effective 7/1/86]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 3/31/88, Notice 1/27/88—published 4/20/88, effective 5/25/88]

[Filed 5/27/88, Notice 4/20/88—published 6/15/88, effective 7/20/88]

[Filed 9/29/89, Notice 7/26/89—published 10/18/89, effective 11/22/89]

[Filed 1/19/90, Notice 11/15/89—published 2/7/90, effective 3/14/90]

[Filed 7/19/90, Notice 6/13/90—published 8/8/90, effective 9/12/90]

[Filed 9/24/92, Notice 8/5/92—published 10/14/92, effective 11/18/92]

[Filed 5/19/95, Notice 4/12/95—published 6/7/95, effective 7/12/95]

[Filed 7/24/95, Notice 6/7/95—published 8/16/95, effective 9/20/95<sup>1</sup>]

[Filed emergency 9/21/95—published 10/11/95, effective 9/22/95]

[Filed 12/23/97, Notice 11/5/97—published 1/14/98, effective 2/18/98]

[Filed emergency 11/8/01—published 11/28/01, effective 11/8/01]

[Filed 5/23/02, Notice 4/3/02—published 6/12/02, effective 7/17/02]

[Filed 4/23/04, Notice 3/3/04—published 5/12/04, effective 6/16/04]

[Filed 9/24/04, Notice 7/21/04—published 10/13/04, effective 11/17/04]

[Filed 12/14/05, Notice 10/12/05—published 1/4/06, effective 2/8/06]

[Filed ARC 9812B (Notice ARC 9597B, IAB 7/13/11), IAB 10/19/11, effective 11/23/11]

<sup>1</sup> Effective date of 9/20/95 for amendments to 681—3.14(19A), definition of “Probationary period”; 3.39(12); 3.102(1), delayed 70 days by the Administrative Rules Review Committee at its meeting held September 13, 1995. Delay lifted by this Committee November 13, 1995, effective November 14, 1995.

For additional history, see individual divisions within Chapter 3.